



INTELLECTUAL PROPERTY
402-391-4448

JAMES D. WELCH
ATTORNEY AT LAW
PROFESSIONAL ENGINEER

IFW

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

March 15, 2006

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF LIPHARDT TITLED "ALIGNMENT OF ELLIPSO-METER
BEAM TO SAMPLE SURFACE";
SERIAL NO. 10/684,088;
FILE DATE: 10/12/2003;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI

Dear Sir;

I am in receipt of an Action dated 02/28/06 regarding the
identified Application.

The Examiner previously identified Section 112 problems in
Claims 19 and 20 and rejected Claims 1-20 based on Patents to Xu
et al. No. 6,590,656 and to Rosencwaig et al. No. 6,297,880 under
Sections 102 and 103. Claims 19 and 20 were canceled in response
and amendments entered to many of the remaining Claims.

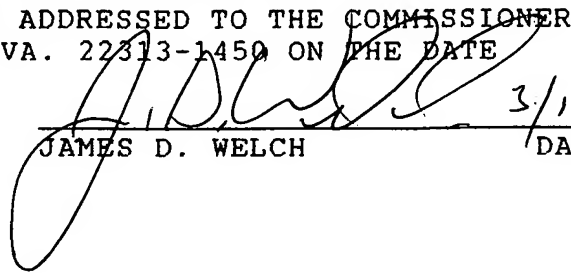
It was previously argued that the Xu 656 Patent did not
describe a rotatable stage but only a translatable stage. The
Examiner has cited language in the Background Section of Xu 656
which states that in 2-O Scatterometry systems:

"By either rotating the sample or illuminating beam, the
angle of incidence on the sample is changed."

and argued that this constitutes disclosure in Xu 656 of a system
which comprises a rotatable stage. The Examiner has further
cited a Patent to Ono No. 6,259,174 to a stage which provides six
degrees of freedom.

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JAMES D. WELCH

3/15/06
DATE